

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO**

In re:

**JOSE L. LIZARDI ORTIZ**

Debtor

\*  
\*  
\*  
\*  
\*  
\*

Case No: 15-03076 (MCF)

Chapter 11

\*\*\*\*\*

**UNITED STATES TRUSTEE'S OBJECTION  
TO APPLICATION TO EMPLOY CONSULTANT**

***TO THE HONORABLE COURT:***

Guy G. Gebhardt, the Acting United States Trustee for Region 21 (the "United States Trustee"), through his undersigned counsel, and pursuant to 28 U.S.C. § 586(a) and § 307 of the Bankruptcy Code, respectfully states and prays as follows:

**Procedural Background**

1. On April 28, 2015, the Debtor filed his petition under Chapter 11 of the Bankruptcy Code (Dkt. #1).
2. On June 12, 2015, the Debtor filed an application to employ Associated Pension Consultants, Inc., as a "third-party administration corporation" (hereinafter referred to as the "Application") (Dkt. #34). A verified statement subscribed by Marc Roberts was attached.
3. As per the Application, "The debtor currently owes the total amount of \$11,142.50 to the applicant for previous professional services provided"; similar disclosure was made by the proposed professional in the verified statement.
4. The mentioned amount was not disclosed in Debtor's Schedules.

**IN RE JOSE L. LIZARDI ORTIZ**  
CASE NO. 15-03076 (MCF)

Page 2 of 3

5. In addition, the Debtor and proposed professional request authorization to pay the mentioned amount and to submit fee applications, if any, on a monthly basis<sup>1</sup>.

**United States Trustee's Objection**

6. Section 327(a) of the Code provides that the Debtor may employ "professional persons, that do not hold or represent an interest adverse to the estate, and that are disinterested persons . . . ." 11 U.S.C. § 327(a).

7. In order to be "disinterested", the professional may not be a creditor. 11. U.S.C. (14)(A).

8. The term "creditor" is defined in Section 101(10)(A) of the Code as an "entity that has a claim against the debtor that arose at the time of or before the order for relief concerning the debtor". 11 U.S.C. § 101(10)(A).

9. As submitted in the Application and the verified statement, the proposed professional has a pre-petition claim, thus, it is a creditor.

10. In light of the above, the United States Trustee respectfully objects the approval of the Application inasmuch as the proposed professional does not comply with the requirement of being "disinterested". The United States Trustee also objects to the payment of the professional's pre-petition claim.

**WHEREFORE**, the United States Trustee respectfully requests that this Honorable Court deny the Application, and enter such further relief as deemed just and proper.

---

<sup>1</sup> If the Application is approved, the United States Trustee respectfully reserves the right to object the reduction of the 120-day term.

**IN RE JOSE L. LIZARDI ORTIZ**  
CASE NO. 15-03076 (MCF)

Page 3 of 3

**CERTIFICATE OF SERVICE**

**I DO HEREBY CERTIFY** that on this day I electronically filed a true and exact copy of the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

SOLYMAR CASTILLO MORALES	scastillo@gaclaw.com, jrosado@gaclaw.com
CARMEN D CONDE TORRES	notices@condelaw.com
MONSITA LECAROS ARRIBAS	ustpreion21.hr.ecf@usdoj.gov

**I DO HEREBY FURTHER CERTIFY** that on this same date a true and exact copy of the foregoing has been sent by regular United States mail to the Debtor, **José L. Lizardi Ortiz**, Cond. Surf Side Mansions, Apt. No. 1105, Carolina, PR 00979.

DATED: June 19, 2015.

**GUY G. GEBHARDT**  
Acting United States Trustee for Region 21

**MONSITA LECAROS ARRIBAS**  
Assistant United States Trustee

**U.S. DEPARTMENT OF JUSTICE**  
**OFFICE OF THE UNITED STATES TRUSTEE**  
Edificio Ochoa  
500 Tanca Street, Suite 301  
San Juan, Puerto Rico 00901-1922  
Tel.: (787) 729-7445  
Fax: (787) 729-7449

**(Electronically Filed)**

By: s/ José Carlos Díaz-Vega  
José Carlos Díaz-Vega  
Trial Attorney  
USDC-PR No. 213607